



DOCKET NO. 2005-01-01 US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
SATOSHI INABA, ET AL. : EXAMINER: HO, TU TU V  
SERIAL NO: 10/799,780 :  
FILED: MARCH 15, 2004 : GROUP ART UNIT: 2818  
FOR: SEMICONDUCTOR DEVICE AND :  
MANUFACTURING METHOD OF THE  
SAME

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated September 1, 2005, Applicants provisionally elect with traverse the species of Group I, identified in the outstanding Official Action as corresponding to Figure 1, for further examination on the merits. Applicants identify Claims 1, 2 and 4-12 as being readable on the elected species, and reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be

made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-19 be conducted.

Respectfully submitted,

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